IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 17546 of 2007(L)

PETITIONER:

K.M.MARY, ASST.TEACHER, AUP SCHOOL,
TRIPPANNUR, MOOLAMCODE POST, KIZHAKKENCHERRY(VIA)
PALAKKAD DISTRICT. RESIDING AT: PUTHENPURACKAL
HOUSE, ERUKKINCHIRA, KORENCHIRA POST,
KIZHAKKENCHERRY (VIA), PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
SRI.M.N.SAJEER

RESPONDENTS:

---

1. THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
PALAKKAD.

3. THE ASST.EDUCATIONAL OFFICER,
ALATHUR, PALAKKAD DISTRICT.

4. THE MANAGER,
AUP SCHOOL, TRIPPANNUR
MOOLAMCODE P.O., KIZHAKKENCHERRY (VIA)
PALAKKAD DISTRICT.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 17546 OF 2007

Dated this the 8th day of June, 2007

J U D G M E N T

Petitioner, who is now working as an Assistant Teacher in AUPS, Trippannur, is due to retire from service on June 30, 2007.

2. It appears that she was placed under suspension for a period of 15 days. However, the suspension order has been withdrawn treating the period of suspension as eligible leave. Aggrieved by Exts. P3 & P4, petitioner preferred Ext.P5 revision petition before the Government contending inter alia that the said period of suspension has to be treated as on duty. This is a matter to be considered by the revisional authority.

3. But, apprehension of the petitioner is that her retrial benefits are likely to be withheld on the ground that the revision petition is pending consideration before the Government. The limited prayer made by the learned counsel at the Bar is as follows:

> (a) Issue an appropriate direction to the revisional authority to dispose of Ext.P5 expeditiously.

(b) Issue a direction to the appropriate authority to disburse the admitted pensionary benefits without any delay.

In the above facts and circumstances, I am satisfied that the request made by the petitioner is only just and reasonable. The writ petition is therefore disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P5 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that petitioner and the manager are afforded sufficient opportunity to be heard before any decision is taken in the matter. Respondent No.2 and/or 3 shall disburse the admitted amount of pensionary benefits to the petitioner within a period of four months from the date of her retirement if there is no other legal impediment.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007